THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2655 OF 1998

ORAL ORDER:

The 2nd respondent herein-Settlement Officer, Nellore, by order dated 6.7.1988 granted a ryotwari patta in favour of the writ petitioner under Section 11(a) of the Andhra Pradesh (Andhra Area) Estates Abolition and Conversion into Ryotwari Act, 1948 (for short "the Act"). Challenging the same, the Mandal Revenue Officer, Darsi, filed a Revision Petition under Section 5(2) of the Act, which was allowed by the 1st respondent by order dated 29.11.1997, whereby the ryotwari patta granted in favour of the petitioner was cancelled. Aggrieved by the same, this writ petition is filed.

I have heard the learned counsel for both the parties and perused the material on record.

The 2nd respondent while granting ryotwari patta recorded a finding as under:

> "P.W.1 produced the land revenue receipts ranging from fasli 1353. On a perusal of the revenue receipts and also the adangal extracts filed by P.W.1 and the land ceiling declaration, I believe that the suit schedule land must have been in possession and enjoyment of the petitioner and his vendor. In the adangal extracts for faslies from 1365 issued by the Mandal Revenue Officer, Darsi, the suit schedule land is a patta land bearing No.176. In support of this evidence, the Mandal Revenue Officer, also stated in the counter that the suit schedule land correlates to old Patta No.176 and seen from the adangal for fasli 1363 to 1376. This shows that the adangal extracts issued by the Mandal Revenue Officer is correct. The case is re-opened and the Advocate was heard. The evidence of Ex.27 shows that the petitioner was having the suit schedule land 10.2.1975 i.e., fasli 1365.
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> In the result of perusal of Ex.P.2 to P.7, I also the ryotwari patta for the suit land in favour of the claimant under Section 11(a) of the E.A. Act of the claimant under Section 11(a) of the E.A.Act"

Admittedly, the Revision Petition was heard by the 1st

respondent at Nellore camp.

The specific case of the petitioner is that having received the notice in the Revision Petition filed before the 1st respondent, an appearance was entered on his behalf through an Advocate at Hyderabad, however, no notice was issued to his counsel nor to him informing the hearing of the case at Nellore Camp on 26.6.1997. It is pleaded that since there was no representation on his behalf, the 1st respondent could not be apprised of the material in support of the well reasoned finding recorded by the 2nd respondent.

Though a counter affidavit has been filed on behalf of the respondents, the fact that the Revision Petition was heard at Nellore Camp has not been denied, however,, it is pleaded that due notices were issued to all the concerned under proper acknowledgment. The fact that the petitioner's counsel was not present on thed ate of hearing is also not disputed.

Haviang regard to the undisputed fact that the Revision Petition was heard at Nellore Camp, instead of 1st respondent's Office at Hyderabad, and since admittedly, petitioner's counsel could not be present, I am of the opinon that it would be in the interest of justice to reconsider the matter afresh after hearing the petitioner.

Accordingly, the impugned order dated 29.1.1997 passed by the 1st respondent is set aside and the writ petition is disposed of with a direction to the 1st respondent to hear the Revision Petition afresh after due notice to the writ petitioner and pass appropriate orders in accordance with law. No costs.

(G. ROHINI, J.)

26th February, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 2655 OF 1998

26th February, 2007.

Between:

Sangana Bala Nagi Reddy. .. Petitioner.

And

The Director of Settlements,
Andhra Pradesh, at Hyderabad and others. ..

Respondents.